OFFICE OF THE ATTORNEY GENERAL 2009-2013

Mission

As an independent constitutional office and legal counsel to state government, we serve the citizens of Washington with the highest standards of *excellence*, *ethics and effectiveness*.

Vision

The Office of the Attorney General will be the best public law office in the United States, proudly contributing to the greatness of Washington.

Values

All staff in the Office of the Attorney General are guided by the following core values:

TRANSPARENCY
HONESTY
RESPECT
INNOVATION
COMPETITION
ETHICS
"THRICE"

Goals and Objectives

Goal 1: PROVIDE EFFICIENT AND EFFECTIVE REPRESENTATION TO OUR CLIENT AGENCIES.

- 1-1 Review Office Structure and Practices for Possible Areas of Improvement and Efficiency, and Identify Priority Areas for Improvement.
 - 1-1-1 Agency Efficiencies. Identify and implement operational savings to free up resources for higher priority activities. (Moran, Bigelow, Operations Committee, Core Leadership Team, and Division Chiefs) (June 2009)

- 1-1-2 *Complex Litigation Division*. Develop and implement a plan to maximize the effectiveness of the Complex Litigation Division, through better coordination, marketing, and funding. (Dunn, Ferguson) (Develop and implement plan, July 2009)
- 1-1-3 Review Staffing Models/Structures. With assistance from the National Association of Attorneys General (NAAG), review appropriate staffing of Attorney General's Office (AGO) services to ensure that resources are and will be efficiently deployed to support client legal services. (Moran, Bigelow, Deputies, Skinner) (Initial review, December 2008; follow up, June 2010)
- 1-1-4 Development of Litigation Support Group. Develop and implement a plan to restructure how the AGO handles litigation and electronic discovery support in complex, document-intensive cases, including development of an office-wide Litigation Support Group, with a coordinator, specialists and reallocated paralegals with required certified training in litigation and electronic document processing. (Dunn, Ferguson) (December 2008)
- 1-1-5 *Public Records Act Compliance Process*. Through new technology, improve efficiency in the AGO public records process by centralizing searching mechanisms and creating a model system that may be used by other agencies. (Bigelow, Goltz, Hill, Jensen, Dalton) (March 2009)
- 1-2 Make Recommendations for Improvement and Efficiencies in Office Litigation Practices.
 - 1-2-1 Litigation Skills and Information Support. Establish an ad hoc working group to develop and implement plans that: (1) Better publicize and disseminate within the AGO, the litigation deskbook and forms manual developed in the Torts Division; (2) Identify and utilize a mechanism to effectively communicate changes in court rules, procedures and practices to all divisions within the AGO; and (3) Develop and institute an informal mentoring and information sharing opportunity whereby experienced litigators will visit divisions or units and be available to answer questions and provide guidance. (Dunn) (Assign Torts or Complex Lit AAG to coordinate; establish work group, December 2008; complete work, January 2010)
 - 1-2-2 Coordination of Commercial Regulation and Civil Enforcement Functions. Develop, plan and hold bi-annual meetings of assistant attorneys general who provide advice and representation to commercial regulators (e.g., Department of Financial Institutions, Department of Licensing, Department of Labor and Industries, and Office of the Insurance Commissioner) and who engage in civil

- enforcement (e.g., Consumer Protection, Antitrust) to institutionalize networking and coordinating opportunities and to determine if attendance at regular meetings should expand to employees with client agencies or with other agencies, such as the Federal Trade Commission. (Hovis, Walsh, Kondo) (First meeting, June 2009)
- 1-2-3 Future Trends and Practice. In conjunction with 1-1-3, review summary of future issues facing the AGO, as discussed at the Fall 2007 Leadership Team Meeting, to determine future trends in legal practice and to project staffing and resource needs. Impacted divisions and entities are to incorporate projections in FY 2010 strategic plans. (Costello, Briney, Division Chiefs, Administrative Managers) (June 2009)
- 1-2-4 Evaluate Use of Research Center and Make Recommendations for Efficiencies. Consider increased use of electronic library materials and less reliance on paper materials. (Bigelow, Halligan, Operations Committee) (Submit proposal to Operations Committee, June 2009)

1-3 Revise System of Performance Management to Assess Success and to Develop Efficiencies.

- 1-3-1 Quality Initiative. Through the use of assessments and evaluations through the Washington State Quality Award program, evaluate and implement improvements to agency operations and systems.
 (Bigelow, Dalton, Operations Committee) (Self-assessments annually; determine whether to undertake "lite" or "full" assessment, December 2008)
- 1-3-2 *Client Survey*. Complete third electronic client satisfaction survey and compare data with results of 2005 and 2008 surveys. (Goltz, Leadership Team) (April 2010)
- 1-3-3 AGMAP. Every two years, in conjunction with the budget process, review and analyze current AGMAP measures to ensure that they are providing a meaningful measure of the success of the AGO in serving our client agencies and the citizens of the State of Washington and to assist in internal AGO management. (Dunn, AGMAP Committee) (First review, September 2008)

1-4 Proactively Engage in Risk Management Efforts.

1-4-1 *Electronic Discovery Coordination*. Assist Office of Financial Management (OFM) and other clients in the development of internal procedures for handling electronic documents and disclosures. Progress in the development of such procedures will be tracked on the ACE site with Division Chiefs that have client agencies reporting to

Core Leadership Team at the December 2008 Leadership Team Meeting, and quarterly thereafter. Progress will also be tracked by the Electronic Discovery and Disclosure (EDD) Committee and model procedures posted on the EDD worksite. (Dunn, Shorin, E-Discovery Workgroup) (Report to Core Leadership Team, December 2008; Final Report to Leadership Team, June 2009)

1-5 Utilize Appropriate Technologies to Improve Client Service.

- 1-5-1 Records Retention. By effectively utilizing the revised Desktop Guide on Records Retention and email archiving system, support employees as they adopt "best practices" in their maintenance and management of Outlook mail folders. (Goltz, Even, Records Retention Committee) (January 2009)
- 1-5-2 *Technology Utilization*. Support divisions in the most effective use and application of available technology in their work. Assist staff in maximizing benefits from existing technology and system upgrades, such as ACE, Vista and timekeeping and billing charges, and technology advancements, such as the Mobile Computing Project. (Goltz, Hill, Technology Committee) (July 2009)
- 1-5-3 *Comprehensive Technology Training*. Develop a training model for use by all divisions to assist staff in utilizing technology. (Bigelow, Hill, Technology Committee) (Submit plan to Operations Committee, June 2009)

1-6 Make Improvements and Efficiencies in Utilization of Special Assistant Attorneys General.

- 1-6-1 Management and Assessment of Special Assistant Attorneys General (SAAG) Contracts and Costs. Modify SAAG contracting and tracking procedures to centralize information; revise typical contracts to require, as appropriate, that: (1) All invoices submitted by a contract attorney reflect the total amount of the contract, the amount remaining at the beginning of the billing period and the amount remaining after payment of the subject invoice; and (2) That contract attorney provides advance written notice when the work anticipated in the next billing cycle will exceed the remaining balance under the contract. (Costello, Brown) (December 2008)
- 1-6-2 Assessment of SAAG Work. Track trends in SAAG contracts and costs and systematically determine what work, if any, can be brought in-house. Report using AGMAP measure tracking total costs in a fiscal year. (Moran, Battan, Costello, Goltz, Underwood, Division Chiefs selected by Chief Deputy) (Create workgroup and perform

initial assessment of issues, June 2009; develop best practices for clients and AGO divisions, June 2010)

Goal 2: SUPPORT STAFF IN AN EFFICIENT, EFFECTIVE AND DIVERSE WORK ENVIRONMENT.

2-1 Seek and Obtain Appropriate Compensation and Recognition for All Staff.

- 2-1-1 *Attorneys Salary Schedule.* Present proposed salary schedule and report to Legislature as required by 07-09 appropriations act; assess salary schedule implementation needs, and consider funding options as appropriate. (Moran, Bigelow, Battan, Deputies, Shinn) (October 2008)
- 2-1-2 *Professional Staff.* Review salary-setting process for all major professional staff classifications to determine compression, inversion, and other alignment issues. (Bigelow, Moran, Skinner, Underwood, Operations Committee) (January 2009)
- 2-1-3 Performance Management System for All Staff. Annually review and refine performance management system to address systemic issues identified by leadership and staff. (Performance Management Committee) (Ongoing Reports to Operations Committee or Core Leadership Team)

2-2 Implement Improvements to Critical Administrative Support Systems.

- 2-2-1 *Mandatory Training*. Develop standards for frequency of mandatory trainings and mandatory training updates, as well as process for evaluating effectiveness of such trainings on agency risk management. (Battan, Skinner, Underwood) (July 2009)
- 2-2-2 *Timekeeping and Billing Systems*. Update and revise existing timekeeping and billing systems to enhance capability of providing financial information to clients; consider timekeeping requirements for more staff. (AGO Technology and Operations Committees, Bigelow, Hill) (Report to Operations Committee, March 2009; complete current project, July 2009)
- 2-2-3 Organization and Billing Process. Review billing process and consider revisions to establish fewer rates to maximize staff flexibility and efficiencies. (Bigelow, Goltz, Moran, Underwood) (Committee formed, August 2009; report to Operations Committee, March 2010; final report, July 2010)

- 2-2-4 Leverage DIS Services. Develop a plan to relocate all production servers to the DIS Wheeler Building Ala Carte environment. (Bigelow, Hill) (2010 to 2013)
- 2-2-5 Enterprise Records Management. Explore available options of an Enterprise Records Management system that provides an office-wide solution for managing documents from creation to archival or destruction. Make substantive and budget recommendations, including timelines, on the implementation of possible systems. (Bigelow, Hill, Public Records AAG, Jensen, Technology Committee) (Make recommendations to Operations Committee, December 2008)
- 2-2-6 *Mobility*. Review and implement findings of Mobility Pilot Project for improving staff remote access to the AGO network, while maintaining security of information. (Goltz, Hill, Technology Committee) (Report to Operations Committee, July 2009)
- 2-2-7 *Network Conferencing*. Expand and utilize network meeting and training capacity to improve coordination of legal and administrative services in offices around the state. (Hill, Technology Committee, Shinn) (Interim report to Operations Committee, July 2009)

2-3 Increase Efforts to Recruit and Retain an Effective and Diverse Workforce.

- 2-3-1 *Minority Job Fairs*. Seeking to expand pool of qualified applicants, continue to maintain diversity recruiting and other diversity outreach as an office priority carried out at the highest levels of the organization. (Battan, Skinner, Mannix, Nakamura) (Report to Operations Committee annually)
- 2-3-2 *Professional Staff Recruitment.* Conduct analysis to evaluate professional staff hires, retention rates, turnover, reasons for departures, and conduct interviews to address retention and turnover. (Bigelow, Skinner, Siebs, Zirkle) (May 2009)

2-4 Develop and Update Succession Plan.

2-4-1 *Update Division Succession Plans.* (Battan, Skinner, Division Chiefs, Admin Managers) (Report to Operations Committee, Winter 2009)

2-5 Enhance the Workplace for Employees.

2-5-1 Sponsor Wellness Activities. Encourage staff participation in Healthy Worksite Initiative Program, as well as other healthy workplace activities. (Bigelow, Wellness Committee) (Report quarterly to

Operations Committee on project and level of staff in participation of health screening which the Health Care Authority targets at 40 percent)

2-6 Ensure Adequate Facilities for the AGO.

- 2-6-1 Lease Renewals and Space Planning. Manage agency lease renewals and space planning decisions according to adopted agency six year plan and in alignment with statewide agency facilities goals and objectives to: (1) Meet agency strategic and program goals; (2) Foster a safe, healthy, productive work environment; (3) Maximize the efficient and economical use of space; (4) Meet sustainability goals; (5) Leverage technology; and (6) Improve operational efficiencies through co-location. (Bigelow, Feek) (Ongoing as leases come up for renewal; report to Operations Committee quarterly)
- 2-6-2 *Facilities Plan.* Obtain OFM approval for adopted six year facilities plan consistent with agency space needs and facilities goals and objectives (enacted plans adopted by Legislature during 2009 session). (Bigelow, Feek) (September 2009)

2-7 Professional Growth Opportunities.

2-7-1 Agency-Wide and Inter-Divisional Projects and Opportunities.

Develop and implement a system to publicize opportunities for staff to enhance their professional growth, including agency-wide and inter-divisional projects and opportunities. (Guthrie, Hill, Dalton, Skinner) (Proposal to Operations Committee, December 2008)

2-8 Minimize the Impact of AGO Operations on the Natural Environment.

- 2-8-1 *AGO "Carbon Footprint."* Estimate, if feasible, the "carbon footprint" for the Attorney General's Office to serve as a baseline for assessing the sustainability of future AGO operations. (Bigelow, Sustainability Committee) (Report to Operations Committee on feasibility, June 2009)
- 2-8-2 *Recycling Efforts.* Evaluate existing recycling efforts in all AGO facilities and recommend methods for improvement. (Bigelow, Sustainability Committee) (Report to Operations Committee, June 2009)
- 2-8-3 *Bottled Water Usage*. Develop plan for reduction of usage of bottled water in AGO facilities. (Bigelow, Sustainability Committee) (Report to Operations Committee, June 2009)

2-8-4 Other Sustainability Committee Recommendations. Consider ongoing recommendations of the Sustainability Committee to revise and enhance AGO Sustainability Plan. (Bigelow, Sustainability Committee) (Report semi-annually to Operations Committee, September and March)

Goal 3: PREPARE THE AGO, AND ASSIST IN PREPARING OUR CLIENTS, FOR OPERATIONS IN EMERGENCY SITUATIONS.

- 3-1 Revise Relevant AGO Safety and Security Plan and Division Continuity of Operations Plans.
 - 3-1-1 AGO Safety and Security and Continuity of Operations Plans.
 Review and update AGO, Building and Division Safety and Security and Continuity of Operations Plans as needed. (Bigelow, AGO Safety Committee) (September 2009 and annually thereafter)
 - 3-1-2 Safety and Security Drills. Establish routine of performing one or two emergency preparedness drills per year, in addition to normal fire and earthquake drills. (Bigelow, Safety & Security Committee) (Annually)
 - 3-1-3 *Emergency Management Training*. Ensure the mandatory training for all staff for emergency preparedness has been provided and taken. (Bigelow, Safety and Security Committee) (September 2009)
- 3-2 Complete and Maintain Resources for Operation of Government in Emergency Situations.
 - 3-2-1 Resources for Operation of Government in Emergencies. Update, organize and distribute AGO resources for operation of government in time of emergency, including essential legal research, sample court pleadings and sample executive orders. (Goltz, Panesko, Operations Committee) (Completion, September 2009; updates, September 2011 and September 2013)
- Goal 4: MAINTAIN AND FOSTER, FOR THE PUBLIC'S BENEFIT, THE CONSTITUTIONAL AND STATUTORY INDEPENDENCE OF THE ATTORNEY GENERAL.
 - 4-1 Preserve and Enhance Independent Statutory Roles of the Attorney General.
 - 4-1-1 *Protocols for Communicating with the Legislature*. Review and update existing protocols for reviewing and communicating opinions on constitutionality of proposed legislation. (Bigelow, Hart, Goodman) (November 2008, review annually thereafter)

4-2 Enhance Communication of AGO Role and Activities to Public.

- 4-2-1 *AGO Outreach Program.* Develop proposal for targeted AGO outreach efforts to educate external stakeholders on selected AGO programs. (Guthrie) (Proposal to Operations Committee, July 2009)
- 4-2-2 Review AGO Website to Facilitate Providing Information to Public.
 Review AGO website with a view to facilitating access to information in order to maximize expeditious service to constituents. (Guthrie, Dalton, Erwin, Jensen) (Proposal to Operations Committee, July 2009)

Goal 5: PROMOTE PUBLIC POLICY THAT IS IN THE BEST INTEREST OF THE CITIZENS WE SERVE.

- 5-1 Encourage a Culture of Openness in State and Local Governments With Public Records, While Protecting the Essential Operations of Government.
 - 5-1-1 *Improve Open Public Meetings Act and Public Records Act legislation to increase compliance and reduce expenses.* Evaluate and determine support for recommendations of the Sunshine Committee. Develop and pass omnibus Open Public Meetings Act reform. Reform the Public Records Act to address inmate abuses. (Goodman, Hart, Ford) (Ongoing)
- 5-2 Develop Strategies to Control the Manufacture, Sale and Trafficking of Methamphetamine and Other Harmful Substances.
 - 5-2-1 Law Enforcement Collaboration.
 - Seek and maintain collaborative relationships locally and nationally to maximize law enforcement's ability to reduce drug trafficking and manufacturing. Continue to participate in the Northwest Precursor Chemical Committee. (Johnson) (Ongoing)
 - Participate in multi-jurisdictional working groups (e.g., Conference of Western Attorneys General (CWAG)) to enhance border security and prevent illegal drugs, weapons, and money laundering substances from being trafficked in Washington State. (Johnson, Weinmann) (Ongoing)

5-2-2 Education.

 Reduce addiction to methamphetamine and other harmful substances through public education. Work with the Division of Alcohol and Substance Abuse (DASA), to hold a prevention forum for youth as part of the annual DASA Prevention Summit. (Bigelow, Guthrie)

- Continue to make substance abuse prevention presentations to school aged audiences statewide. (Guthrie, Johnson)
- Work with prevention and broadcast partners to place public service announcements, as made available by Partnership for a Drug Free America, or as funded with proceeds from Consumer Protection settlements. (Guthrie, Gould) (Ongoing)
- Continue participation in state coalition to reduce underage drinking. (Guthrie) (Ongoing)
- 5-2-3 *Community Collaboration*. Reduce number of children impacted by meth addiction in Washington by supporting state and community efforts. Increase AGO participation in Drug-Endangered Children (DEC) training each year, caseloads permitting. Encourage attorneys to liaison with local meth action teams. Offer assistance in drafting and implementing DEC guidelines at the local level. Co-sponsor DEC National Convention proposed for 2009 in Spokane. (Johnson, Hassett, Lydon) (Ongoing)
- 5-2-4 Prescription Monitoring and Pseudoephedrine Controls. Lead efforts to implement a prescription monitoring program and an electronic log to record the sale of pseudoephedrine in pharmacies and retail outlets. Align Washington law regarding pseudoephedrine controls with provisions of the federal Combat Meth Act. Expedite implementation of a Prescription Monitoring Program. (Johnson, Bigelow) (2012)
- 5-3 Develop a Statewide Strategy to Protect Vulnerable Adults and Children and Reduce Domestic Violence.
 - 5-3-1 Vulnerable Adults.
 - Develop legislation to help deter vulnerable adult abuse, pursuant to the recommendations of the Vulnerable Adult Summit Work Groups. (Goodman, Moran, Johnson, Hart) (July 2008)
 - Improve public awareness and education to prevent vulnerable adult abuse and neglect. (Guthrie) (2010)
 - 5-3-2 *Human Trafficking*. Develop proposed changes in Human Trafficking statute based on discussions of work group.
 (Johnson, Goodman, Hart) (November 2008)
 - 5-3-3 Domestic Violence and Sexual Assault Legislation. Develop proposals for domestic violence legislation and sentencing reform based on recommendations of Domestic Violence Workgroup and prosecutors. Develop a proposal for a multi-year study of contributing factors to domestic violence recidivism for funding in the 2009-2011 biennium. (Johnson) (November 2008)
- 5-4 Develop New Efforts to Protect Washington Consumers.

- 5-4-1 *Public Education.* Continue statewide identity theft tour (GUARD IT!) to educate businesses, media and the general public on the threat of identity theft and how to prevent it. Continue AARP/KOMO, FTC and BECU/KMTT public education partnerships. (Guthrie, Erwin, Gould, Alexander) (Ongoing)
- 5-4-2 *Public Policy*. Develop and implement strategies to address consumer complaints in high-volume areas like collection agencies, unsolicited goods, manufactured housing, promotional advertising of prizes, lemon law, and mortgage fraud. (Goodman, Walsh, Erwin) (June 2013)
- 5-4-3 *Minority Outreach*. Develop culturally relevant strategies to reach Latinos and other minority groups. Maintain adequate multi-language resources to address increased complaints and phone calls to our Consumer Resource Centers. (Erwin, Sytman, Guthrie, Gould, Smith, Lobdell) (July 2009)
- 5-4-4 *Prescription Drug Pricing Data*. Promote Washington State's drug discount card on the AGO's atg.wa.gov. web site. Collaborate with Health Care Authority to help consumers without health insurance find pharmacies honoring lower prescription drug pricing and state prescription discount cards. (Bigelow, Walsh, Guthrie, Johnson, Gould, Beary) (October 2008)
- 5-4-5 Collaborative Partnerships. Assist the Law Enforcement Group against Identity Theft (LEGIT) in developing and passing legislation to protect citizens against identity theft. Participate in legislatively mandated task forces operated by the Department of Community, Trade and Economic Development. (Goodman, Guthrie, Walsh, Weinmann, Marlow) (July 2008 June 2013)

5-5 Fraud Prevention.

- 5-5-1 *Legislation*. Develop and obtain passage of legislation that would:
 - Expand the statute of limitations from three to five years for tax fraud cases that recognizes the realities of these cases.
 - Improve Department of Revenue and Department of Financial Institutions efforts to minimize tax fraud by mirroring general theft statutes: and
 - Define and criminalize misconduct that occurs in fraudulent residential mortgage transactions (similar to Georgia statute). (Walsh, Goodman, Dalton, Comfort, Weinmann, Hart) (2010)
- 5-6 Protect Against Internet Predators.

- 5-6-1 Leverage Partnerships with Law Enforcement, Education and Industry to Reduce Internet Predation.
 - Complete report that incorporates findings of Task Force, and implement proposals. (Goodman, Weinmann) (Report by no later than December 2008)
 - Participate in and support national organizations on public education campaigns. (McGruff, iKeepSafe, Comcast, Qwest, Microsoft) (Guthrie) (Ongoing with emphasis in June and October)
- 5-6-2 Pass Legislation to Protect Against Internet Predators and Assist Law Enforcement. Obtain funding for and develop computer forensics lab and increase penalties for viewing child pornography. (Goodman) (2010)

5-7 Protect Public from Sexually Violent Predators.

- 5-7-1 Sexually Violent Predator (SVP) Staffing Model. Implement SVP staffing model required in budget proviso and recommended by consultant's report. (Weinmann, Dunn, Moran, Bigelow, Underwood) (October 2008)
- 5-7-2 *Legislation*. Develop and amend legislation for the purpose of strengthening civil commitment statute. (Goodman, Bowers, Hart) (Draft legislation, June 2008; pass, May 2009)

5-8 Strengthen Relations with State Tribes.

- 5-8-1 *Continue Visits to Tribes.* (Costello, Bigelow) (2009-2013)
- 5-8-2 Work Government-to-Government with Tribal Leaders to Develop Joint Solutions to Overarching Criminal and Social Problems.

 Encourage tribal participation in Youth Prevention Summit, Domestic Violence Task Force, Operation: Allied Against Meth school visits, community safety summit and other office initiatives. (Bigelow, Costello, Weinmann, Guthrie, Goodman, Johnson) (Ongoing)

5-9 Make Improvements to Eminent Domain Statutes and Processes.

5-9-1 *Eminent Domain Task Force*. Consider legislation to implement recommendations of Eminent Domain Task Force. (Goodman, Moran, Ford, Hart) (Upon completion of Task Force report)

5-10 Reduce Gang Activity in Washington State.

5-10-1 *Gang Prevention and Intervention*. Develop and maintain partnerships with state and national law enforcement, legislators and

policy groups to address the gang problem in Washington. Form a partnership with the Governor's Juvenile Justice Advisory Committee to develop a template for youth gang prevention and intervention statewide. As appropriate, act as co-applicant for youth gang prevention grant applications to federal Office of Juvenile Justice Programs, and as a co-convener of workshops designed to conduct community assessments of gang problems. Work with National Association of District Attorneys to bring gang prosecution best practices training to the State of Washington. In consultation with Washington Association of Prosecuting Attorneys (WAPA) and Washington Association of Sheriffs and Police Chiefs (WASPC), explore introduction of legislation to create sanctions for gang-related violent felony offenses. (Johnson, Weinmann) (Ongoing)

- 5-10-2 WASPC Anti-Gang Law Enforcement Initiatives. Formalize partnership with WASPC to ensure success of gang suppression and graffiti eradication initiatives as contained in HB 2712 and funded by state Legislature in the supplemental budget, and implementation of a statewide gang criminal intelligence database. (Johnson, Skeen) (Ongoing)
- 5-10-3 Additional Anti-Gang Legislation. Continue to work with partner groups such as WAPA, WASPC, Northwest Gang Investigators Association, the Street Gang Tracking Group and key legislators regarding the possible development of additional legislation to establish the power of anti-gang civil injunction under state law and additional sanctions for gang-related criminal activity. (Johnson, Weinmann, Goodman) (Ongoing)